GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants - Revenue Department – Allegation of Disproportionate to the Known source of Income against Sri M.V. Subrahmanyam, MRO, Kakinada Rural, East Godavari district now retired – Convicted – Imposition of punishment of withholding Pension and Gratuity in full permanently under Rule 9 of Andhra Pradesh Revised Pension Rules 1980 – Orders – Issued.

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REVENUE (VIGILANCE-III) DEPARTMENT

G.O.MS.No. 85 **Dated: 23-02-2017**

Read :-

From the D.G., A.C.B., Lr. No.145/RCA-REG/1993, dt.02.09.2017 along with the Judgment, dated 31.10.2016 in C.C.No.61 of 2008 of Special Judge for SPE & ACB Cases, Vijayawada.

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ORDER:-

Whereas, Anti-Corruption Bureau Authorities have registered Disproportionate Asserts case against Sri M.V. Subrahmanyam, formerly Mandal Revenue Officer, Kakinada Rural, East Godavari district as he is having Disproportionate Assets to the tune of Rs 13,57,508 to the known source of his income and he acquired the said assets by corrupt and dubious means. Sri M.V. Subrahmanyam, formerly Mandal Revenue Officer, Kakinada Rural, East Godavari district retired from service on 30.09.1998.

2. In the reference read above, the Director General, Anti-Corruption Bureau has stated that, the Hon'ble Special Judge for SPE & ACB Cases, Vijayawada pronounced judgment on 01-11-2016 and convicted Sri M.V. Subrahmanyam, Mandal Revenue Officer, Kakinada Rural, East Godavari district and sentenced him to undergo rigorous imprisonment for three years and to pay a fine of Rs.4,00,000/- and in default, to suffer six months simple imprisonment for the offence under section 13(2) r/w 13(1) (e) of the Prevention of Corruption Act, 1988. Both the sentences were ordered to run concurrently.

3. Whereas, the Special Judge for SPE & Anti-Corruption Bureau Cases, Vijayawada in the Judgment dated 31.10.2016 in CC No 61/2008 among others has ordered as follows:

"As per the written & oral arguments of the accused he has assets worth of Rs.4,54,507.29 he has income of Rs.10,55,369.00, additional income of Rs.2,79,500/- and expenditure of Rs.2,71,463.57 and he has surplus amount of Rs.10,63,405.43, if this contention of the accused is accepted he has surplus amount of Rs.10,63,405.43. The Court specifically asked the learned counsel for the accused whether he can file any documents in support of the above possessing of surplus amount to substantiate his claim, but he could not submit. This strange contention cannot be accepted

(P.T.O.)

without proof, further generally if there is surplus amount of Rs.10,63,405.43, generally the surplus amount will be in the form of cash or Assets and the same would have been found during the searches by the Anti-Corruption Bureau, unless concealed for the accused. Further generally if the surplus amount of Rs 10,63,405.43 is there, generally this surplus amount may be added to the assets of the accused since the principal is that the assets possessed by the accused by the end of the check period to be taken into consideration for computation, thus this contention of the accused conveys that he did not place the correct figures before the Court to assist to arrive on the assets, income and expenditure in the case. Whereas the accused contended that he was with indebtedness and contracted debts as alleged above. Further from any angle this contention is not tenable and not helping the accused in view of the above evidence and circumstances.

The Court, considering the above evidence, arrived the disproportionate assets of the accused at Rs.9,98,388.86 ps after considering income, assets and expenditure as discussed above and shown in the above tables.

The Court, considering the above material on record, holds that the prosecution proved its case beyond all reasonable doubt against the Accused for the charge U/s. 13(2) r/w 13(1) (e) of Prevention of Corruption Act and the Accused found guilty and convicted U/s. 248 (2) of Cr.P.C."

4. And whereas, the Director General, Anti-Corruption Bureau, while furnishing a copy of the Judgment has informed that as per the information available, the Accused Officer retired from service on 30.09.1998, therefore, he has requested the Government to take immediate action to withhold the pensioner benefits of the Accused Officer Sri M.V. Subrahmanyam, Mandal Revenue Officer, Kakinada Rural, East Godavari District, under the Andhra Pradesh Revised Pension Rules, 1980 read with G.O. Ms.No.2, GA (Ser.C) Dept., dated 04.01.1999 as he was convicted in the Criminal case.

5. Government have examined the matter carefully keeping in view the Rule 9 of the Andhra Pradesh Revised Pension Rules, 1980 read with Rule 9 of the said rules and also G.O MS. No. 2 General Administration (Ser.C) Department dated 4.01.1999 read with Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991, and decided to impose a punishment of withholding Pension and Gratuity in full permanently on Sri M.V. Subrahmanyam, Mandal Revenue Officer, Kakinada Rural, East Godavari district now retired, for the conduct which has led to his conviction in C.C.No.61 of 2008, dated 31.10.2016.

5. Accordingly, Government hereby order to impose the punishment of withholding Pension and Gratuity in full permanently on Sri M.V. Subrahmanyam, Mandal Revenue Officer, Kakinada Rural, East Godavari district now retired under Rule 8(2) read with Rule 9(1) of the Andhra Pradesh Revised Pension Rules, 1980 read with Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules 1991 for his conviction in C.C. No. 61 of 2008, dated 31.10.2016.

(Contd…. P.3)

6. The Chief Commissioner of Land Administration, shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.C.SHARMA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri M.V. Subrahmanyam, Mandal Revenue Officer, Kakinada Rural, East Godavari district now retired **through** the Chief Commissioner of Land Administration, AP, Vijayawada.
The Chief Commissioner of Land Administration, AP, Vijayawada (with a request to serve the G.O. on the individual and send the served copy with dated signature to Government on record).
Copy to:
The Accountant General, Andhra Pradesh, Hyderabad.
The Director General, Anti-Corruption Bureau, Vijayawada.
The Secretary to Vigilance Commissioner,
A.P. Vigilance Commission, Secretariat Buildings, Velagapudi, Amaravathi Guntur District.
S.c./ S.f.

//FORWARDED :: BY ORDER//

SECTION OFFICER